

REMARKS

Claims 1 and 3-14 are pending in the application. Claims 1, 4 - 5, 7 and 11 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Juday (U.S. Patent No. 6,680,797) in view of Sorin (U.S. Patent No. 6,208,774) and Bouevitch (U.S. Patent Application Pub. No. 2003/0035605). Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Juday in view of Sorin, Bouevitch and Li (U.S. Patent No. 6,522,467). Claims 3, 8-10, 12, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Juday in view of Sorin, Bouevitch, Chen (U.S. Patent Application Pub. No. 2003/0103718) and Cupolo (U.S. Patent No. 5,666,174). These rejections are respectfully traversed.

Claim 1 recites a liquid crystal optical performance monitor that includes "a liquid crystal tunable filter." This element is not disclosed in Juday, Sorin or Bouevitch. The reconfigurable liquid crystal device 35 of Juday diffracts the incoming beam 34 in any desired direction such as 41, 42, or 43, but is not a liquid crystal tunable filter. Therefore, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 103(a) over Juday in view of Sorin and Bouevitch, be withdrawn.

Claims 7 and 11 recite a liquid crystal optical performance monitor method that includes the step of "scanning to filter the spectral information." This step is not disclosed in Juday, Sorin or Bouevitch. The reconfigurable liquid crystal device 35 of Juday diffracts the incoming beam 34 in any desired direction such as 41, 42, or 43, but does not filter spectral information as required by claims 7 and 11. Therefore, it is respectfully requested that the rejection of claims 7 and 11 under 35 U.S.C. § 103(a) over Juday in view of Sorin and Bouevitch, be withdrawn.

The remaining claims have been rejected based on the rejections of claims 1, 7 and 11 noted above. Therefore, it is respectfully requested that the rejections of the remaining claims, namely claims 3-6, 8-10 and 12-14, also be withdrawn.

PATENT
Att. Dkt. No. AVAN/001106

This application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,



Frederick D. Kim
Registration No. 38,513
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (650) 330-2310
Facsimile: (650) 330-2314
Attorney for Applicants